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Monday, 31 October 2016, 3 p.m.
New York

President: Mr. Thomson ..... (Fiji)

In the absence of the President, Mr. Pecsteen de Buytswerve (Belgium), Vice-President, took the Chair.

The meeting was called to order at 3 p.m.

Agenda item 72 (*continued*)

Report of the International Criminal Court

Note by the Secretary-General (A/71/342)

Reports of the Secretary-General (A/71/346 and A/71/349)

Mr. Barro (Senegal) (*spoke in French*): First of all, I would like to thank most warmly Ms. Silvia Fernández de Gurmendi, President of the International Criminal Court (ICC), for the leadership she has shown at the head of the International Criminal and for her introduction of the report on the Court on its activities during the period 2015-2016 (A/71/342). I would like also to pay tribute to all those who within the Court and elsewhere have committed themselves on a daily basis to ensuring that the victims of mass crimes see their right to justice fulfilled. I would also like to thank the various delegations that have had kind words about Mr. Sidiki Kaba, Minister of Justice of Senegal and President of the Assembly of States Parties to the Rome Statute.

Senegal, the first country to have ratified the Rome Statute, remains convinced that a world of peace and stability means justice for all and reiterates its commitment to working with all stakeholders to that end. Consideration of the report of the ICC shows the importance of the Court in the global fight against impunity and in respect for the rule of law. Indeed, the activity of the Court in the reporting period shows that the only permanent international court for prosecuting mass crimes contributes greatly to bringing justice to millions of victims throughout the world.

With its record of holding four trials simultaneously, the Court has reached new levels, particularly with the first case the Court has dealt with on command responsibility and criminal liability, which led to the first conviction for sexual violence and gave the long-suffering peoples involved the feeling that all of humankind had heard their appeals. The arrest of Ahmad Al-Faqi Al-Madhi, the first individual to plead guilty to an accusation made by the ICC for war crimes in relation to attacks on Malian religious and historic buildings in the city of Timbuktu and his conviction on 27 September, a few days after the report was issued, embodies the work done by the Court on behalf of the populations involved.

The preliminary investigations conducted by the Office of the Prosecutor dealing with 11 cases throughout the world and the opening of a new investigation lead us to believe that, slowly but surely, the universality of international criminal justice is making headway. Senegal invites all States to give all the assistance and cooperation the Court needs to allow it to continue to carry out its mandate in the best way possible.

On 8 December 2014, during his election as President of the Assembly of States Parties to the Rome Statute, the Minister of Justice of Senegal, Mr. Sidiki

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Kaba, emphasized that strengthening the relationship between Africa and the International Criminal Court should be of the highest priority. This appeal is even more relevant today, at a time when States parties in Africa have announced their decision to withdraw from the Rome Statute. Senegal, while respectful of the sovereignty of all States, nevertheless hopes that a dynamic consensus will be found so that Africa may continue to play a major role in the fight against impunity within the Assembly of States Parties.

To that end, we must, among other things, join our efforts so that the perception of double standards in the administration of justice, criticized by some and creating misunderstanding, might yield to a common commitment for the requirements of justice and for reparations for the millions of victims who have suffered damages. In an era of accountability, the needs of those victims cannot be disregarded.

Africa is waging a struggle to end impunity for heinous crimes and has reaffirmed that in the founding Charter of the African Union. Senegal remains convinced that through dialogue, unity will be preserved. In this regard, the Assembly of States Parties must remain the platform where the concerns of all States are expressed, and we hope that the Court will continue to be open to dialogue while respecting judicial independence, as it did during its fourteenth session.

Today, the ICC is the only recourse for victims of grave crimes committed by the highest-ranking leaders when the victims' right to justice in their countries is not upheld. The Rome Statute has also established a system of international criminal justice, bringing together States with the primary responsibility for trying and obtaining convictions in heinous crimes defined in the Rome Statute, and as a court of last resort. The support of the international community is therefore essential for ensuring efficiency in the Court's work. I hope that all States parties to the Statute will remain active and that others will join them.

Again, the universal ratification of the Rome Statute and the integration of its norms into the national legislation of States must become a reality if we want all victims, wherever they reside, to have a fair and equal chance at seeing justice. Moreover, we must work towards complementarity by strengthening national judicial systems so that they are in a position to try the most serious crimes that have wounded our collective conscience, thereby letting peace reign. In addition, due to the spirit of openness and cooperation shown by the parties in resolving mutual problems in the interest of peace and justice, the discussion will lead to contributing in a positive manner to strengthening the ideals and principles that unify us all.

Mr. Elias-Fatile (Nigeria): My delegation is grateful to the President of the International Criminal Court (ICC), Judge Silvia Fernández de Gurmendi, for the report presented to us today for our consideration (A/71/342). We congratulate the Court on its relocation to permanent premises in The Hague, Netherlands, which was marked with an official opening ceremony on 19 April.

The objective of the ICC is based on the concept that impunity must be challenged and that everybody should be held accountable for their actions. We therefore welcome the Court's appreciable progress in the fight against impunity and crimes against humanity. We commend the Court for its significant contribution to the development of substantive and procedural international criminal law. We also recognize the Court's important contribution to the promotion of the rule of law. Through its work, accountability for genocide, crimes against humanity and war crimes has been strengthened.

We have studied the report before us closely and observed that, during the reporting period, the Court had an unprecedented workload, with four cases at trial simultaneously and several cases at other stages of proceedings. We noted that the Court is currently seized of 23 cases and 10 situations, some of which include its first case involving command responsibility, the first conviction for sexual violence, the Court's first war-crime charge for the destruction of historic monuments and religious buildings, the commencement of reparations proceedings, and convictions and sentences that are now being appealed.

It is also notable that the Office of the Prosecutor received information from various sources alleging the commission of crimes potentially falling within the Court's jurisdiction, including the Court's registration of 410 communications related to article 15 of the Rome Statute of the International Criminal Court, of which 302 were manifestly outside the Court's jurisdiction, 35 were unrelated to current situations and warranted further analysis, 62 were linked to a situation already under analysis, and 11 were linked to an investigation or prosecution. Indeed, that large number of referrals

entrusted to the Court indicates the increasing acknowledgement of its relevance as an apt instrument for fighting impunity.

We welcome improved cooperation between the ICC and the principal organs of the United Nations, especially the General Assembly and the Security Council, including United Nations peacekeeping missions and other United Nations presence in the field. As the main forum for international cooperation and consultation, the United Nations presents a unique platform for promoting the mainstreaming and understanding of Rome Statute issues and considerations into wider areas of international activity. We also note with satisfaction the report's coverage of cooperation with and assistance from States, other international organizations and civil society, as well as the cooperation among relevant partners in the context of supporting and strengthening the Rome Statute system of international criminal justice.

My delegation further welcomes the exchange of information between the Libyan Prosecutor-General's office and the Office of the ICC Prosecutor. We commend the Libyan Prosecutor-General and the Libyan representative to the ICC for their close cooperation with the Office of the Prosecutor. We encourage the two sides to strengthen their cooperation and work together to end impunity in Libya.

My delegation notes that, according to the report, the Office of the Prosecutor continued its analysis of war crimes allegedly committed by Boko Haram and by the Nigerian security forces in the context of the continuing armed conflict in Nigeria. In response to the Prosecutor's request for information on actions undertaken by the Government on this matter, the report adds that the Attorney General and Minister of Justice of Nigeria gave assurances of Nigeria's commitment to supporting and cooperating with the Office.

Against that backdrop, as a committed member of the Assembly of States Parties to the Rome Statute of the ICC, under the leadership of Mr. Sidiki Kaba of Senegal, and a current member of its Bureau, my delegation wishes to reiterate Nigeria's continuing commitment to supporting and cooperating with the Court. Nigeria believes that impunity must be addressed resolutely whenever and wherever it may occur in the world. For this reason, we are faithfully committed to the fundamental values of the Rome Statute and the ideals of the ICC. As we reaffirm our continued membership in the Assembly, Nigeria is prepared to continue to work in concert with Member States to address the concerns that have been raised against the Court.

It is our belief that a global system based on rule of law, where accountability and social justice are the foundation for durable peace, should be a priority goal for the international community, world leaders and citizens alike.

Mr. Sobral Duarte (Brazil): My first words are to thank the International Criminal Court (ICC) for its report to the General Assembly (A/71/342) and to commend the Court for contributing to the fight against impunity and promoting respect for the rule of law. I also join previous speakers in thanking the President of the ICC, Judge Silvia Fernández de Gurmendi, for her briefing and her tireless efforts to make the Court a more efficient institution. Brazil is also pleased that the ICC has moved to its new and purpose-built premises in The Hague.

As a proud founder of the ICC, Brazil remains steadfast in its commitment to the Rome Statute system and to the cause of justice that motivated its creation. As an instrument for ensuring that those accused before it are judged with fairness and full respect for their rights, the ICC is a vehicle for justice and peace. I am pleased to recall that not only are all South American countries States parties to the Rome Statute, but also that Latin American and Caribbean States represent the second-largest regional group among States parties. Today more than ever it is important to stress that a misperception of selectivity with respect to the Court's activity will be definitively dispelled only by advancing the universality of the Statute — expanding rather than shrinking the Court's room to operate.

Allow me to underscore the importance that Brazil attaches to the outcomes of the 2010 Kampala Review Conference. We are convinced that the activation in 2017 of the amendment regarding the crime of aggression will represent a major contribution to completing the international criminal justice system. It will give additional meaning to the prohibition of the use of force, thus fostering a more stable, just and democratic world order.

Brazil notes with appreciation that providing justice for victims remains an essential component in the daily work of the Court. We also welcome the fact that reparation procedures are ongoing in four

different cases and that the Trust Fund for Victims has already assisted more than 300,000 persons, with the provision of physical and psychological rehabilitation and material support. We commend the efforts aimed at enhancing the protection of witnesses, including through relocation agreements, and stress the importance of the positive dimension of cooperation through strengthening national capacities.

As reported by President Fernández de Gurmendi, the ICC has reached an unprecedented level of activity. Its workload is increasing significantly. In this context, I recall my delegation's concern regarding the financing of Security Council referrals, an issue of structural nature that goes to the very core of the relationship between the Court and the United Nations, particularly the General Assembly.

Once again, we reiterate our call for the implementation of article 13 of the Relationship Agreement and of article 115 (b) of the Rome Statute, which provide guidance in the sense that such costs should be met, at least partially, by funds provided by the United Nations and not fall solely upon the States parties to the Rome Statute. It is equally important to highlight that, as laid out in Article 17 of the Charter of the United Nations, the General Assembly has the exclusive responsibility to consider and approve the budget of the Organization. The proper funding of referrals would enhance the credibility of both the Court and the United Nations.

The current situation is neither fair nor sustainable. Brazil also notes that some United Nations peacekeeping operations have been providing the Court with much-needed support in the field, always in accordance with their mandate and basic principles.

The quest for peace and justice is always challenging. This challenge is inherent to the search for a more just and cooperative world order. We are cognizant of the different perceptions concerning the activity of the Court. Let us not fall into the trap of operating with false dichotomies that seem to place peace in opposition to justice and sovereignty in opposition to accountability. Rather, we should focus on the shared values that bring the General Assembly together and have made the first permanent, treaty-based international criminal court a reality.

Ms. Guillén Grillo (Costa Rica) (*spoke in Spanish*) My delegation would like to thank Judge Silvia Fernández de Gurmendi, President of the International Criminal Court (ICC), for presenting the report on the activities of the Court in the period 2015-2016 (A/71/342), pursuant to article 6 of the Relationship Agreement between the United Nations and the ICC and paragraph 28 of resolution 70/264.

Before continuing, Costa Rica would like to extend its sincere condolences to the Permanent Mission of Chile following the sudden death of Ms. Elena del Carmen Bornand Pérez, a great defender of the Court and a highly esteemed colleague.

The International Criminal Court is without a doubt the single most important achievement of international justice. It was born from the desire of the international community to end impunity for the most serious crimes against humanity and to provide justice for victims. Its heart and its principal strength lie in its *erga omnes* jurisdiction. This is the same principle as the one enshrined in article IV of the Convention on the Prevention and Punishment of the Crime of Genocide and in the Charters of the International Military Tribunals of Nuremberg and Tokyo, as well as in the Charters of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia.

Because the aspiration for justice is shared globally, the world needs for there not to be a single State in which impunity finds safe harbour. Accordingly, Costa Rica welcomes the fact that our neighbouring Central American country, El Salvador, became the 124th State party to the Rome Statute, on 3 March. We would like to further congratulate El Salvador for having become the first State to accede to the Rome Statute after the relevant amendments were made to article 8 of the Rome Statute and to the provisions on the crime of aggression.

My delegation further welcomes the ratification of the aforementioned amendments of article 8 and the crime of aggression during the period by Switzerland, Lithuania, Finland, Macedonia, Iceland, Palestine, the Netherlands and Chile. With 32 ratifications, the amendments have surpassed the required minimum of 30, which means that those amendments have entered into force.

Turning to another subject, my delegation is alarmed by the rejection of the Rome Statute by any State party thereto, based on the deeply held belief that such decisions only harm victims. Nothing should lead us to turn our backs on our common goal of providing

justice and reparations to those who have suffered the consequences of atrocity crimes.

On the specific issue of victims, my delegation acknowledges and welcomes the fact that the Trust Fund and its implementing partners at the local level continue to provide assistance to more than 300,000 victims in the north of Uganda and in the Democratic Republic of the Congo in the form of physical and psychological rehabilitation services and material support to survivors of crimes under the jurisdiction of the Court.

Returning to our common goal of putting an end to impunity for atrocity crimes, it is important not to lose sight of the fact that the ICC is a court of last resort and that it was not established to substitute for or replace domestic courts. Responsibility for investigating and prosecuting crimes committed under their jurisdiction lies first and foremost with the legal systems of each individual State. For that reason, complementarity is an essential part of the apparatus of international criminal justice.

Nonetheless, it is also essential to fully understand that when the competence of the Court is triggered in line with the provisions of the Rome Statute, States parties must comply with their binding responsibilities that arise from the Statute. Things have taken a particularly serious turn when non-compliance results in the refusal to provide the support required for the investigations of the Prosecutor, thus impeding or making difficult access to evidence, which could derail the trial process and thereby create an opportunity for impunity. Similarly, the fight against impunity is obstructed every time a State party fails in its obligation to execute valid arrest warrants. The failure of cooperation also impedes providing victims the justice they demand and deserve.

Not cooperating with the Court under the pretext that it is not impartial because a high percentage of its cases are found in the same region is unacceptable. Those who make that argument are trying to ignore the fact that the situations in Mali, Côte d'Ivoire, Uganda and the Democratic Republic of the Congo, and the two situations in the Central African Republic, were referred to the Court by the Governments of those very countries. Moreover, the situations in Libya and the Sudan were referred by the Security Council. Only 2 of the 10 situations — those in Kenya and Georgia — had been initiated *proprio motu* by the Office of the Prosecutor. Therefore, only one of these situations is found on the African continent. It would be inconsistent with our common goal of fighting against impunity and guaranteeing access to justice to call for the Office of the Prosecutor to reject referrals from State parties with the aim of maintaining a geographic balance in its cases.

In the period included in the report, the Court had to deal with an unprecedented workload, including four cases that were in the trial stage simultaneously and several more in other stages of proceedings. I wish to mention two judgments of great relevance. The first is the verdict against Jean-Pierre Bemba Gombo, whom the Court found guilty of crimes against humanity and war crimes, the first case involving command responsibility and the Court's first conviction for sexual violence. The second was the iconic judgment in September in which the Court found Ahmad Al-Faqi Al-Mahdi guilty of a war crime for the destruction of historic monuments and sacred sites in Timbuktu.

The Court currently has before it 23 cases and 10 situations, as other delegations have mentioned. In order to continue fulfilling its mandate, the Court requires the support and cooperation of the entire international community, particularly the United Nations, which shares the ideals of accountability, the protection of human rights and the maintenance of international peace and security. It is for that reason that my delegation would like to reiterate the need for the United Nations to participate in the financing of the referrals to the International Criminal Court by the Security Council.

Given that the Charter of the United Nations confers the responsibility for the maintenance of international peace and security on the Council, the Court, by accepting those referrals, is helping the Council comply with its mandate. For these cases of cooperation, article 13 of the Relationship Agreement between the Court and the United Nations, on financial matters, which provides for the economic contribution of the United Nations, should then be applied.

In conclusion, Costa Rica wishes to emphasize its full support for the International Criminal Court and its commitment to continue supporting the universalization, independence and integrity of the Court so that, together with other States parties and with the support of the community of nations, we can together ensure respect for and fulfilment of international justice.

Mr. Logar (Slovenia): I would like to begin by thanking the President of the International Criminal Court (ICC), Judge Silvia Fernández de Gurmendi, for introducing the annual report of the Court (A/71/342) and by expressing Slovenia's strong support for the Court and appreciation for its ongoing contribution to combating impunity for the most serious crimes and strengthening the rule of law. The report of the ICC before us affirms an unprecedented increase of the Court's workload, which yet again attests to versatility of its activities in support of bringing justice to victims of the most serious crimes.

The Court has continued its work on many situations and has delivered important rulings in the field of international criminal law. These include the first case involving command responsibility, which resulted in a conviction for sexual violence, and the first conviction for the destruction of historic monuments and sacred sites, which was also the first conviction delivered on the basis of an admission of guilt. The report further highlights the Court's engagement in 10 preliminary examinations in nearly all regions of the world, including Latin America, the Middle East, Asia, Europe and Africa.

Furthermore, Slovenia would like to acknowledge the progress made with respect to the reparations proceedings. Reparations to victims is an important feature introduced in the Rome Statute system that helps place victims at the very centre of this system.

The Court has also continued fulfilling important tasks to further improve its efficiency and effectiveness. The effective and efficient functioning of the Court with due regard for procedures of fairness is important to strengthening its credibility. Slovenia therefore commends the dedication of the Court, in particular the personal dedication of its President, in improving the Court's efficiency by, inter alia, expanding the Court's performance through projects designed to evaluate the Court's size and output.

Although the ICC report highlights many of the Court's activities and achievements since the last reporting period, it also reminds us of several challenges that it faces. Slovenia regrets the recent decisions of some States to withdraw from the Rome Statute. We note with equal concern that certain other countries also have the intention to withdraw from the Statute. While a decision to withdraw from a treaty is a State's prerogative, it is with concern that we have learned of decisions to that effect. The creation of the ICC was one of the most historic achievements in international law and human consciousness. The International Criminal Court is the first permanent international criminal court. It offers hope and a chance of last resort to victims of atrocities who would otherwise remain unheard. Slovenia hopes that any decision to withdraw as a State party will be reconsidered.

My delegation acknowledges the importance of engaging constructively and openly on concerns that States might have with respect to the functioning of the ICC. We remain ready to continue to engage. We are also convinced that the Assembly of States Parties to the Rome Statute remains the most appropriate forum to engage in a dialogue among the ICC States parties.

I would now like to focus on three key areas of importance: universality, the principle of complementarity and international cooperation. Addressing challenges in these areas through concerted efforts and constructive dialogue on the part of the Court, but particularly on the part of States, international and regional organizations, as well as of civil society, is essential to ensuring an effective and independent Court and to achieving accountability.

Turning to the issue of universality, Slovenia welcomes El Salvador's accession to the Rome Statue and invites other States to join. We further welcome the ratifications of the Rome Statute amendments, including the Kampala Amendments and the article 124 amendment. We welcome the fact that the threshold of 30 ratifications of the crime of aggression amendments has been met this year. The universality of the Rome Statute remains an important goal for Slovenia. It is only through universal outreach that the International Criminal Court can truly develop to its full potential and avoid the criticism of being selective or unable to reach out to victims in need of its protection. Slovenia therefore welcomes the call in the ICC report for encouraging further efforts by the United Nations community to promote the universality of the Rome Statute.

One of the fundamental principles of the Rome Statute is the principle of complementarity. The Court is a court of last resort and will act only when States are genuinely unwilling or unable to investigate and prosecute atrocity crimes. The effective implementation of the principle of complementarity therefore requires not only willingness, but also appropriate national

legislation, the necessary capacities and inter-State cooperation. Slovenia, together with Argentina, Belgium and the Netherlands, remains engaged in such efforts, in particular through the initiative to adopt a multilateral treaty for mutual legal assistance and extradition for the domestic prosecution of genocide, crimes against humanity and war crimes. I would like to use this opportunity to invite other States to join over 50 States in supporting the mutual-legal-assistance initiative.

The Court's effectiveness depends to a large degree on the effectiveness of international cooperation, particularly on the part of States, as well as that of international and regional organizations. Slovenia is concerned that 13 arrest warrants issued by the Court remain outstanding — some of which have already been so for several years — representing a notable challenge for the Court. Full and prompt cooperation with the Court is an international obligation under the Rome Statute. Instances of non-cooperation attest to the need for additional efforts to improve cooperation in that field.

Undeniably, the United Nations is a natural and important partner of the ICC. Slovenia welcomes the rich cooperation between the Court and the United Nations, both with Headquarters, as well as with the peacekeeping missions and other United Nations presences in the field. In that respect, Slovenia welcomes the conclusion of a memorandum of understanding with the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic. We further recognize that mission mandates should contain the authorization for the mission to support national authorities in their efforts to combat impunity.

Given the powers vested in the Security Council, the Council's support for the ICC is particularly significant for the effectiveness of the Court. Slovenia therefore supports efforts to further improve cooperation between the Security Council and the ICC and recognizes the importance of the full implementation of the Relationship Agreement between the United Nations and the ICC. Furthermore, Slovenia supports the initiatives urging members of the Security Council to refrain from exercising their power to veto in situations of atrocity crimes. A veto in such circumstances not only fails the victims of atrocities but affects the credibility of the Court, which is then prevented from addressing some of the most urgent and devastating situations.

In conclusion, Slovenia remains firmly committed to advocating and promoting the rule of law and international criminal justice. The ICC is an important tool for the prevention and prosecution of atrocity crimes and deserves our strong political commitment and cooperation, as well as our constructive and open engagement in addressing the outstanding challenges facing the Court, while preserving its fundamental principles.

Mr. Bin Momen (Bangladesh): Bangladesh takes note with appreciation of the comprehensive report (A/71/342) of the International Criminal Court (ICC), presented by Her Excellency Judge Silvia Alejandra Fernández de Gurmendi, President of the Court, pursuant to article 6 of the Relationship Agreement between the United Nations and the ICC.

We take note of the enhanced engagements of the ICC, including the Office of the Prosecutor, and the corresponding increase in the level and scope of cooperation between the United Nations and the ICC. We commend the recommendations put forward in the report with regard to further strengthening the interface between the Organization and the Court for the attention and consideration of both State parties and non-State parties to the Rome Statute. It is critical that the ICC's mandate and competence be recognized in relevant discussions and resolutions throughout the Organization with a view to ensuring the acknowledgement of the Court's potential contributions to international peace and criminal justice.

As a State party, Bangladesh appreciates the work done by the Bureau of the Assembly of State Parties to the Rome Statute and that of its designated co-focal points in implementing its plan of action for promoting the universality and full implementation of the Rome Statute. As we welcome El Salvador's accession to the Rome Statute, we share concerns over the decision or plan on the part of certain State parties to withdraw from the Statute. We hope that the international community's collective commitment to fighting impunity and ensuring accountability for mass atrocity crimes will remain unconstrained against the backdrop of such developments. We urge both sides of the debate to exercise maximum restraint in their actions and rhetoric.

In an environment of growing conflicts and humanitarian crises around the world, we underscore the need for informed and continued dialogue among

all States parties and non-States parties in order to uphold the sanctity, integrity and credibility of the Court above and beyond mere political considerations. We encourage the sustained attention of the Assembly of State Parties to the issue of complementarity, which we believe to be a fundamental principle underlying the ICC's functioning as a court of last resort. Bangladesh continues to advocate for the ICC's contributions to strengthening national jurisdictions in the shared pursuit of fighting impunity. It is critical that the varied contexts in national criminal jurisdictions be borne in mind, and that the international norms and standards enshrined in the Rome Statute and exemplified by the ICC's judicial and prosecutorial activities be shared with interested national jurisdictions with a view to further strengthening complementarity.

It is somewhat unfortunate that, while the least developed countries constitute 21 per cent of the State parties to the ICC and account for most of the major conflict and post-conflict settings around the world, their share in the ICC's internship and professional visit programmes has been quite minimal to date. That trend does not augur well for the critical importance of promoting transnational justice in post-conflict settings, as well as for the capacity-building of national jurisdictions to address impunity in the long-term in resource-constrained settings. Our delegation looks forward to addressing that issue through further consultations, including in the context of appropriate budgetary arrangements.

Bangladesh takes note of the progress made in the investigations and judicial proceedings in relation to the ICC's situation countries and the preliminary examinations undertaken by the Office of the Prosecutor during the reporting period. We recognize the need for ensuring adequate resources for the Office to carry out its work in cases referred to it by the Security Council. As a lead contributor to United Nations peacekeeping operations, Bangladesh will continue to extend the necessary cooperation to the Court in mission areas where our peacekeepers and military observers are deployed.

Bangladesh attaches great importance to addressing sexual and gender-based violence during armed conflicts and ensuring accountability and justice for such crimes, including as tactics of war. We take note of the first conviction for sexual violence by the Court, in what has also been its first case involving command responsibility. Bangladesh reaffirms its readiness to share its national experience in ensuring justice for victims of sexual and gender-based violence and the judicial and administrative efforts taken to promote due recognition and reparation for such victims.

One of the most compelling narratives emanating from the Court is the significant number of victims whom it has been supporting through its determination to enforce reparations, as well as its Trust Fund for Victims. We underline the need for the sustained flow of resources to the Trust Fund and others.

Bangladesh takes note of the commencement of the trial in the Court's first war-crime charge for the destruction of the religious and cultural heritage in Timbuktu, Mali. We will continue to follow the trial proceedings with interest.

To conclude, we reiterate the need to avoid any unwarranted measures that might render the legal and judicial proceedings of the Court susceptible to political pressure or other exogenous considerations.

Mr. Manongi (Tanzania): The United Republic of Tanzania welcomes the report of the International Criminal Court (ICC) (A/71/342) and thanks the President of the Court, Judge Silvia Fernández de Gurmendi, for her introductory remarks. We also welcome the Court's move to its permanent premises in The Hague, which marks yet another important step in its establishment.

The Court's report presents a picture of an institution that is growing but also facing various challenges and opportunities. We see that fact as a trend that will continue to define the work of the Court and will demand greater engagement from all of its stakeholders. The Court came into being with the strongest support from Africa, following the considerable frustration and outrage over the genocide against the Tutsi in Rwanda. It came into being as an organ with jurisdiction over persons responsible for the most serious crimes: genocide, crimes against humanity, war crimes as well as the crime of aggression. Humanitarian tragedies had brought so much misery and affliction to Africa that the establishment of the Court became a source of inspiration in the fight against impunity and injustice. That promise and hope are still relevant today, if not more urgent.

And yet, as a State party to the Rome Statute of the International Criminal Court and member of the African Union, the United Republic of Tanzania

notes that the Court has had a particularly tumultuous relationship with Africa — one that has engendered fear of an African exodus from the Court. That need not be the case for a number of reasons. First of all, the primary foundation of the African Union Agenda 2063 is to promote a universal culture of good governance, democratic values, gender equality, respect for human rights, justice and the rule of law.

Secondly, it is significant that in order to sustain the momentum of strengthening gender equality and women's empowerment, African Heads of State and Government declared 2016 as the year of human rights, with special emphasis on women's rights — in the recognition that peace and justice are indivisible. For those reasons, we must at the very least encourage dialogue. It is therefore of concern that African countries have come to be critical of the Court, to the point that a policy of non-compliance and non-cooperation with the Court is a real possibility. For the Court to remain a credible institution in the delivery of international justice, it is important that there be confidence-building measures regarding its operations as well as its interactions with all of its members.

All too often, avoidable misunderstandings, when left unattended or dismissed as inconsequential, grow into regrettable outcomes. Lectures or claims of moral high ground from outside Africa are, at best, unhelpful. The recognition and overcoming of avoidable pitfalls associated with new and evolving institutions, such as the Court, are essential if that institution is to continue to grow and become more robust. We must therefore ensure that what is done today does not make matters worse.

We must also make deliberate efforts to talk to one another, remembering that what was needed to establish the Court is not necessarily the same as what is needed to help it grow and discharge its mandate. We must invest in building trust and confidence between the Court and its members. As the Court's work becomes more complex and increasingly affects United Nations Member States, it must listen while remaining true to its mission.

While the report claims that the capacity of the Security Council to refer a situation to the Court is crucial to promoting accountability, it remains a matter of great concern to us that some permanent members can use their position in the Security Council to refer a matter to the Court, although they themselves are not parties to the Court's Statute. The political nature of the Security Council can also undercut the legitimacy of the process.

We recognize that, in most instances, the Court's jurisdiction is triggered when a State is unable or unwilling to deal with human rights violations on its territory. It would be helpful if the primary task of the Court were also to encourage and enable Member States to develop their own programmes of justice and accountability. That effort must be promoted and supported through additional investment.

No matter how current issues between Africa and the Court are eventually resolved, there is no denying that we must all improve our domestic legal and judicial systems so that they can deliver justice fully, fairly, effectively and in a timely manner. Effective and legitimate States are also in the interest of all countries and people. States must be effective, not only because of the need to prevent ICC intervention in domestic affairs, but also because it is the duty of each State to protect its citizenry. For Africa, the tragedies in Central Africa, Côte d'Ivoire, Rwanda and Sierra Leone only serve to illustrate the risks and dangers that we must guard against.

The report also mentions the holding, in Tanzania, of the second Sub-Regional Seminar of Counsel and the Legal Profession, in which the African Union and others will participate. We welcome such opportunities, as they provide opportunities for building skills and exchanging information of value to parties and to the work of the Court. Indeed, in 2012, the African Union Heads of State and Government established the African Institute of International Law in Arusha, Tanzania, to contribute to the strengthening of the rule of law within the African continent. The Institute can serve as a bridge and useful forum for addressing the lack of trust and confidence felt by the African constituency of the Court. The report also appeals for support for the Trust Fund for Victims. Too often victims are easily forgotten, and it is proper that their needs be attended to.

We commend the establishment of the International Criminal Court Bar Association. We hope that it becomes not only a forum for strengthening skills, capacities and court procedures, but also an avenue for consolidating legal norms and democratic institutions.

We note the Court's continuing cooperation with civil society, and we particularly encourage efforts

to strengthen its relationship with civil society in developing countries.

Mr. Sandoval Mendiolea (Mexico) (*spoke in Spanish*): Mexico thanks Judge Silvia Fernández de Gurmendi, President of the International Criminal Court, for her presentation of the report of the International Criminal Court (A/71/342) to the General Assembly. The work carried out by the Court contributes to the international rule of law and serves to strengthen the implementation of Sustainable Development Goal 16 of Agenda 2030 for Sustainable Development, which seeks to ensure peace and justice through strong institutions. That makes the presence of Judge Fernández de Gurmendi in the General Assembly more relevant still.

The report submitted by the Court refers to the progress made during the reporting period. We recognize as a relevant development the conclusion of proceedings against Ahmad Al Mahdi for committing war crimes by attacking historical and religious monuments in Mali. That is the first case involving the destruction of cultural property where the defendant has pleaded guilty, which positively contributes to the development and consolidation of international criminal jurisprudence. With that conviction and sentencing, we have a total of four cases that are at the stage of reparations before the Court.

The current global context poses growing challenges to the international community and adds to the challenges facing the Court in fulfilling its mandate. The cooperation of States is the main tool at the disposal of the ICC for the arrest of defendants, for the gathering of evidence and for the substantiation of proceedings in general. However, the lack of cooperation on the part of some States and the failure to carry out the execution of arrest warrants, for example, only encourage the evasion of justice and undermine the very objectives of the system. On the other hand, since the commission of the crimes falling under the Rome Statute could endanger international peace and security, the actions of the Security Council are crucial in carrying out the work of the Court. Only in the period under review, the Court referred three decisions on the lack of cooperation on the situations in Darfur and Libya to the Security Council, for a current total of 15 such cases. In that context, we note that there are three dimensions of cooperation that should be taken into account.

First, States Members of the United Nations have an obligation to comply with Council decisions, which implies cooperating in situations that have been submitted by them to the ICC.

Secondly, the Security Council must follow up effectively on situations referred to the Court, particularly on those in which there has been notification about the lack of cooperation by a State. We agree with the Court that the power of Council referral is crucial to promoting accountability, which should be accompanied by a true administration of justice.

Thirdly, the Security Council cannot tolerate situations of impunity. On the contrary, it has the responsibility to refer situations to the Court, following objective and non-politicized criteria. We regret the lack of action on the humanitarian crisis in Syria, which has resulted from the irresponsible use of the so-called right of veto, which prevented the adoption of draft resolution S/2016/847, introduced on 8 October (see S/PV.7785) by 46 States, including Mexico. The draft resolution appealed to the parties to the conflict to put an end to violations and abuses, which may constitute war crimes and crimes against humanity within the jurisdiction of the International Criminal Court.

My country, along with France, has promoted a joint initiative directed towards the permanent members of the Security Council under which they would commit to refraining from resorting to the veto when the Council is considering situations in which heinous crimes are being committed. That proposal, which has been endorsed by almost half of the United Nations membership, simply cannot go unnoticed.

The report of the Court refers to various activities aimed at strengthening the capacities of States in the fields of justice and accountability, activities that other actors in the international community are undertaking, including within the framework of this Organization and its organs and agencies. As we stated earlier, those forums are most appropriate for that, because that allows those actions to be reinforced. It is not the role of the International Criminal Court to do that, as it is an international judicial tribunal and should focus its efforts on fulfilling its mandate under the Rome Statute.

Finally, my delegation must refer to the recent denunciation of the Rome Statute by some States parties. The universality of the Statute, enhanced by the recent ratification by El Salvador, has to be analysed in the light of those developments. Mexico considers it

appropriate, therefore, to redirect the discussion on the universality of the Rome Statute to a wider reflection, involving the organs of the Court. The fundamental aim of that process must remain the strengthening of international criminal justice in order to preserve the spirit in which the Court was created, which we all agree is to end impunity for the most serious crimes of concern to the community international as a whole.

Mr. Li Yongsheng (China) (*spoke in Chinese*): I am pleased to make a statement at this meeting of the General Assembly, under agenda item 72, on the report (A/71/342) of the International Criminal Court (ICC). The Chinese delegation thanks Judge Silvia Fernández de Gurmendi, President of the International Criminal Court, for her report.

China has always attached importance to the role played by international criminal justice bodies in promoting the international rule of law and in punishing serious international crimes. China has always actively participated in a constructive manner in the building of an international criminal justice system, closely following the work of the ICC and participating as an observer State in all Assemblies of the States Parties and expressing China's position and views.

The Chinese delegation has noted that recently a number of African countries have announced, one after another, that they would withdraw from the Rome Statute. We respect the decisions of those countries, and we also understand their long-standing concerns about the ICC. It is thought-provoking that the Court had received widespread welcome and support from African countries at the time of its establishment, but is now faced with increasing criticism, opposition and even withdrawal by more and more African countries.

States bear the primary responsibility for punishing international crimes, eliminating impunity and delivering justice. The Court serves as a complement to national jurisdiction, and the Court should fully respect national judicial sovereignty rather than replace it, still less become a tool for certain countries or group of countries to pursue their own political interests. The question of how to exercise the power of the Court in a prudent manner under the Rome Statute — thereby gaining trust and respect from States parties through the Court's objective and impartial conduct with a view to realizing the original intent of the Court — deserves our serious consideration.

The Chinese delegation has also noted that the amendment on the crime of aggression had been ratified or accepted by 32 States, and that it can enter into force with the consent of the two-thirds majority of States Parties. The Chinese delegation believes that the question of the crime of aggression bears on international peace and security. The Security Council has the exclusive power to determine what constitutes a crime of aggression. The Court's determinations on the issue of the crime of aggression must be applied in an orderly manner within the framework of international law established by the Charter of the United Nations, and can only have jurisdiction over States that have accepted the amendment.

The Chinese delegation would like to reiterate here its support for the efforts of the international community to punish grave international crimes and promote the enforcement of legal justice. At the same time, we hope that the ICC will strictly abide by the Charter of the United Nations and ensure that its efforts to uphold legal justice will truly be conducive to promoting peace, stability and national reconciliation, thereby making a contribution to the course of peace and justice.

Mr. Van Oosterom (Netherlands): The Kingdom of the Netherlands aligns itself with the statement made by the observer of the European Union, but in view of the importance of the subject matter at hand and recent developments, we would like to make some additional comments.

The Netherlands joins others in thanking President Fernández de Gurmendi for her presence here today in New York and for her excellent presentation this morning (see A/71/PV.37). We would also like to thank the International Criminal Court (ICC) for its annual report to the United Nations (A/71/342).

Let me address three issues, namely, the fight against impunity, current challenges and universalization.

On my first point, the Netherlands is deeply committed to the fight against impunity for genocide, crimes against humanity and war crimes. That fight is a cornerstone of the system of international criminal justice. The imperative to investigate and prosecute those crimes at a national level is a key principle of all States' legal obligations. The International Criminal Court is the international community's court of last resort in the fight against impunity. The ICC is therefore doing an extremely important job.

As the annual report shows, the ICC has significant achievements to report this year. The landmark judgment in the *The Prosecutor v. Ahmad Al Faqi Al Mahdi* case is a case in point. The internal working methods of the Court have been improved, and that has made the International Criminal Court even more effective and efficient. The Court deserves to be recognized for its achievements this year and supported in its important work.

That brings me to my second subject, namely, current challenges, which has also been addressed by other speakers today. The Kingdom of the Netherlands, as a State party and proud host State to the International Criminal Court, regrets the stated intention of South Africa, Burundi and the Gambia to withdraw from the Court. Some of those countries were closely involved in the negotiations on the Rome Statute and in the establishment of the Court. As the International Criminal Court is still a relatively new institution, we acknowledge that it is not perfect. However, we strongly believe that addressing any shortcomings of the Court can best be done as a State party at the Assembly of States Parties. We need dialogue with other States parties, not withdrawal.

The Netherlands acknowledges that withdrawal from a treaty is always a sovereign act, but we are deeply concerned about the message that that sends to the victims of international crimes worldwide. Those victims deserve accountability, and they deserve justice. And they look to the international community to ensure justice through strong judicial institutions, both domestic and international.

That brings me to my third subject — the need for universalization. The International Criminal Court embodies universal norms and universal values. The Kingdom of the Netherlands emphasizes the duty of all States to honour their obligations under international law to investigate and prosecute international crimes. We urgently call on all ICC States parties to reiterate their support for a strong international criminal justice system and for a strong International Criminal Court. The ICC is the world's only permanent international criminal tribunal. In that connection, the representative of Botswana said earlier that to withdraw from the ICC betrays the rights of the victims of atrocity crimes to justice and that to withdraw also undermines the progress made to date in the global efforts to fight impunity.

Similarly, we are heartened by many other statements in support of the ICC by States, eminent personalities and civil society, who point out that the arc of history bends towards justice. Therefore, the Netherlands urges all States that are not yet a State party to the Rome Statute to ratify the Statute. And we call on States that have announced their withdrawal from the Court to reconsider their decision. We welcome Secretary-General Ban Ki-moon's statement this weekend to that effect. We must make sure that the International Criminal Court remains the strong institution in the fight against impunity that victims of atrocities worldwide need it to be. In short, the Kingdom of the Netherlands reiterates the importance of universal ratification of the Rome Statute by all United Nations Member States.

In conclusion, The Hague is the proud host to a great institution, the ICC. Let us work together to make this venerable institution more effective. Let us work together to make it more universal, countering today's challenges. And let us work together to let the ICC be a safeguard for the people of the world, a safeguard for justice and a s safeguard for peace.

Mr. García Moritán (Argentina) (*spoke in Spanish*): At the outset, the Republic of Argentina would like to thank the President of the International Criminal Court, our own Silvia Fernández de Gurmendi, for the report on the Court's activities contained in document A/71/342. I am also grateful for the presentation of the Secretary-General's reports entitled "Information relevant to the implementation of article 3 of the Relationship Agreement between the United Nations and the International Criminal Court" (A/71/346) and "Expenses incurred and reimbursement received by the United Nations in connection with assistance provided to the International Criminal Court" (A/71/349).

The Court, through the laudable work that it has carried out since its previous report, has once again factually demonstrated that it is an essential tool in the fight against impunity and an essential element of the rule of law at the international level. In that connection, Argentina welcomes the fact that the amendments to the Rome Statute of the International Criminal Court on the crime of aggression have reached the minimum threshold of 30 ratifications, thereby giving the Court jurisdiction to hear cases regarding the crime of aggression as of January 2017. Argentina resolutely supports granting the Court that power as soon as possible, as it will cement the legal structure of the

Court and reaffirm the primacy of law and justice over force in international relations.

At a time when some States parties have announced their intention to withdraw from the Rome Statute of the International Criminal Court, Argentina renews its ongoing commitment to the Court and to the universal nature of the Statute. To that end, we call on all stakeholders to engage in constructive dialogue with a view to addressing the problems that may emerge within the Rome Statute system while upholding its integrity.

As for the follow-up to the Court's legal and procedural work, we are pleased to see that it has been able to carry out its activities, both in its preliminary reviews and in the matters and cases brought before it, thus fulfilling its mandate with the limited resources it has been allocated. In that regard, we call on all Member States that are States parties to the Rome Statute of the International Criminal Court to consider the nature of the Court when it evaluates its annual budget so that the budget can be approved at the next Assembly of States Parties and the Court can fulfil its mandate and adequately discharge its essential functions. Similarly, we urge those States to facilitate the streamlining of proceedings by approving the amendments to the rules of procedure and evidence drafted by the judges and discussed at the Working Group on Governance and Budget and the Working Group on Amendments.

I would like to mention that the relationship between the Court and the United Nations is crucial, provided the Court enjoys judicial independence. We recognize the Secretary-General's guidelines on non-essential contact. Nevertheless, the relationship between the United Nations and the Court is also affected by the relationship between the Court and the Security Council, since the Council can refer cases to the Court, and has done so on two occasions. Argentina has voiced some of its concerns for years now, both in the General Assembly and in the Security Council, as a non-permanent member. Pursuant to the Rome Statute, once the Court is referred a case, it can claim jurisdiction over nationals from both States parties and non-parties to the Statute. Indeed, after a referral, no Security Council pronouncement can change the rules of the Statute regarding the Court's jurisdiction in order to provide immunity to nationals of States not parties to the Statue for crimes that fall under the Statute.

I would like to reiterate that thus far, the financial costs incurred by the Security Council when it refers cases to the Court have been borne exclusively by States parties to the Rome Statute. The Statute itself provides that the United Nations must bear the cost of these referrals, and that is also reflected in the Relationship Agreement between the United Nations and the International Criminal Court. Argentina and other Members of the United Nations have called into question this regrettable situation in which the States parties bear the cost of the Council's referrals, despite the fact that the great majority of them support the full implementation of paragraph (b) of article 115 of the Rome Statute and article 13 of the Relationship Agreement.

The fight against impunity is an objective of the States parties to the Rome Statute and of the United Nations, but it must go hand in hand with the commitment to providing the Court with the necessary resources for it to discharge its functions. Inaction, in that respect, could jeopardize the sustainability of the Court's investigations and could impact the credibility of the Organization.

In conclusion, Argentina stresses that the noteworthy contribution of the International Criminal Court to the fight against impunity for the most serious international crimes is also a contribution to furthering the objectives of the Organization. We also highlight, as does the Kampala Declaration, the noble mission and function of the International Criminal Court in a multilateral system whose objective is to promote respect for human rights and attain lasting peace, while upholding international law and the purposes and principles of the Charter of the United Nations. We also reiterate Argentina's firm commitment to the International Criminal Court.

Mr. Martín y Pérez de Nanclares (Spain) (*spoke in Spanish*): It is a great honour to address the General Assembly once again on an issue to which Spain attaches the greatest importance. The fight against the most heinous international crimes is, without a doubt, an essential component of the maintenance of international peace and justice, and it is also an unavoidable imperative that derives from the principle of the rule of law. To combat impunity, to bring the perpetrators of such crimes to justice and to do justice to the victims should be an inalienable goal of the entire international community. That is why I fully associate myself with the statement delivered by the observer of the European Union.

Before I continue, I would like to thank the International Criminal Court (ICC) for its detailed annual report to the United Nations for the period from 1 August 2015 to 31 July 2016 (A/71/342). I would like to offer a special, heartfelt thanks to President Fernández de Gurmendi for her interesting and thorough presentation this morning. We congratulate her on her laudable work at the helm of the Court. We also wish to thank Prosecutor Bensouda and the entire staff of the International Criminal Court.

Since the beginning of the drafting of the Rome Statute, Spain has been a staunch proponent of the role given to the Court in the difficult work of fighting impunity using the tools of international law. Additionally, in 2010 my country actively participated in the Review Conference of the Rome Statute of the International Criminal Court. In keeping with its aims, the Kingdom of Spain deposited its ratification instrument for the Kampala Amendments early, on 24 September 2014. Without a doubt, my country will maintain its long-standing, wholehearted and firm support for the work of the Court.

During the period of work covered by the report, Spain's Parliament approved a new law on immunities, organic law 16/2015, which in both its preamble and its articles expressly affirms Spain's commitment to the Court. Spain will never grant preferential treatment or immunities to Heads of State, Heads of Government or Foreign Ministers by citing ordinary law in an attempt to evade prosecution by the Court.

The year under review in the report submitted for the General Assembly's consideration was particularly intense and productive — 23 cases in 10 matters; 11 matters submitted for preliminary review; a new investigation by the Prosecutor — an impressive record. The Court has achieved a good cruising speed, but beyond a quantitative analysis — undoubtedly important — we would note that both the investigations and the reviews carried out by the Court are widely distributed geographically, extending to four continents, to be precise. That is clearly a source of pride and appreciation. It attests to the effective and efficient work of the Court.

My delegation notes with satisfaction that the threshold of the 30 ratifications needed for the entry into force of the amendments to the Rome Statute relative to the crime of aggression was reached this year. As such, Palestine's deposit of its instrument of ratification on 26 June marks compliance with the first requirement established in the Statute for its entry into force. The next step will be for the Assembly of States Parties to set a date for their activation. In that connection, Spain trusts that the Assembly will be able to adopt that decision with the greatest possible support from States parties. Moreover, it is essential to carefully study all manner of implications, judicial and extrajudicial, of the broader Court jurisdiction with a view to avoiding future obstacles to its implementation.

But, along with these positive elements there are also worrisome elements. One very serious concern cannot be ignored — the International Criminal Court is going through a very difficult period, probably the most difficult in its history. For the first time since its creation, three States have announced their intention to use the withdrawal mechanism, provided for in article 127 of the Rome Statute. As a result, effective one year after the date in which the Secretary-General receives written notification, they will withdraw from the Court. Spain deeply regrets the situation and is concerned about its possible implications for the future of the Court.

If such actions are carried out, it would set a very negative precedent. Nevertheless, my delegation believes that the current role of those who resolutely support the work of the ICC should be more about building bridges and being constructive and less about excessive criticism and disproportionate complaints. It may even be an opportune moment for all of us to look critically at ourselves so that we can approach the future of the Court with renewed vigour. That is why we echo the invitation of the President of the Assembly of States Parties, Mr. Sidiki Kaba, to the States in question to reconsider their position.

Whatever the result, the quest for universalization should continue to be a fundamental and essential objective. The same is true for the related principles of complementarity and cooperation. In fact, as regards the latter, it is imperative to once again call for the cooperation of all with the Court — first and foremost States, but probably also the United Nations, as it has the power to improve the mechanisms with which to enforce the obligations arising from the cases submitted to the Court. However, that should not prevent us from commending the important cooperative role the United Nations is already playing. The Court's report can attest to that.

In conclusion, Spain highlights the vital importance of the International Criminal Court in the maintenance of peace, justice and the rule of law through effectively combating impunity for the most serious crimes against humanity. We also reiterate our country's firm commitment to achieving that laudable objective.

Mr. Hahn (Republic of Korea): First of all, the Republic of Korea would like to extend its sincere appreciation to the President of the International Criminal Court (ICC), Judge Silvia Fernández de Gurmendi, for her presentation of the comprehensive report (A/71/342). My delegation also commends the joint efforts of the Presidency, the Judicial Division, the Office of the Prosecutor and the Registry in helping to put an end to impunity for the perpetrators of the most serious crimes of concern to the international community as a whole through various means, including the more effective and efficient functioning of the Court.

It has been 14 years already since the International Criminal Court was established as an independent permanent Court, in relationship with the United Nations. The fundamental tenet of that relationship, as envisioned in the Rome Statute, is encapsulated in the reaffirmation of the purpose and principles of the Charter of the United Nations and the preamble of the Statute, which was actively followed in the actual practice of the Court. In that vein, and although running the risk of being somewhat repetitive, my delegation cannot but emphasize the significant role that ICC has played through its work to sustain the three pillars of United Nations activity, namely, peace and security, development and human rights.

Securing criminal justice for perpetrators of grave crimes that shock the conscience of humankind constitutes part and parcel of the rule of law, which provides a solid basis for the successful implementation of the 2030 Agenda for Sustainable Development. Bearing that in mind, we support the ongoing cooperation between the ICC and the United Nations at various levels, as stated in the report and presentation. The Republic of Korea does not see the need to go over the multifarious achievements of the Court thus far, especially during the reporting period. Nevertheless, we would be remiss if we failed to mention precedent-setting decisions such as those relating to international attacks on religious and historical buildings, command responsibility, sexual violence and offences against the administration of justice.

While the progress that the Court has made in its path to ending impunity is quite remarkable, the Court has also been facing a harsh reality on several fronts. With the help of various stakeholders, most notably States parties, the Court should rise above considerable challenges to firmly establish itself as a robust and reliable institution for international criminal justice. I would like to elaborate on those challenges.

First of all, given the sheer pace and scale of the increase in caseload, it is imperative that the ICC enhance efficiency at various stages while not losing sight of the importance of striking a balance between fairness and expediency. In that regard, my delegation appreciates that the Court continues to focus on streamlining its procedures, as demonstrated by the publication of the practice manual of the Judicial Divisions, a useful and comprehensive update to the previous practice manual. Such initiatives are conducive not only to enhancing the effectiveness and efficiency of the functioning of the Court, but also to garnering the renewed support and trust of States parties. My delegation also congratulates the Court on its relocation to the new and permanent premises.

Secondly, as an international Court, the ICC cannot sustain itself without the active cooperation of multiple stakeholders, especially States parties, at each and every step of the process. While the cooperation between the ICC and States parties is vital, it is also indispensable to the proper functioning of the system to secure cooperation vis-à-vis the Assembly of States Parties, the United Nations and other international organizations, civil-society organizations and non-States parties. Against that backdrop, even though it is regrettable that the ICC has been suffering from insufficient cooperation for an extended period of time, it is encouraging that States parties, together with the Court, have been relentlessly making efforts to develop various strategies and tools to cope with the issue of non-cooperation.

Thirdly, the success of our common fight against impunity hinges not only on adequate cooperation, but also on the universal application of the Rome Statute. The number of States parties to the Rome Statute has more than doubled since its entry into force in 2002, which is quite significant. However, it is deeply concerning that the number of new entrants to the ICC family has been on the decline in recent years. Even more disconcerting is that several States parties have withdrawn over the past weeks.

At this juncture, my delegation would like to call upon the States parties that have already made or are considering making the decision to withdraw, to sincerely give it a second thought. There is a Korean saying which reads: "In times of difficulty, recall the resolve at the beginning of the enterprise". Other States parties and the Court also need to enhance outreach efforts to those States and exercise collective wisdom in order to delve into and address the real and perceived concerns of those States. We cannot and should not afford ourselves the luxury of allowing the progress made in humankind's noble efforts to put an end to impunity for the perpetrators of heinous atrocities to take a reverse turn.

The Republic of Korea has been a steadfast supporter of the ICC since its inception. As a member of the Bureau, we are actively participating in concerted efforts to establish the ICC as a responsible, universal and efficient institution to end impunity for perpetrators of the most serious crimes against humanity. Let me conclude my statement with the reaffirmation that the Republic of Korea will continue to spare no effort in this noble and important endeavour at both the International Criminal Court and the United Nations.

Mr. Amolo (Kenya): Kenya takes this opportunity to recognize Judge Silvia Fernández de Gurmendi, President of the International Criminal Court. Over the years we have continued to encourage the International Criminal Court (ICC) to expand its activities, enhance its work and improve its efficiencies and footprint so that no country would have a privileged relationship within it. Kenya continues to engage robustly in encouraging and providing guidance to the Court to try and keep it faithful to our collective objective, while keeping it aligned with the letter and spirit of the Rome Statute. As we carefully review the report of the International Criminal Court (A/71/342) that is before us today, we cannot help but renew and underscore our deep disappointment.

This session's report is slightly more encouraging than that of the last session. However, we continue to express our deepest regret that in a world consumed by devastating wars and violent clashes, where hundreds of thousands, if not millions, of people have been adversely affected, that dismal output of tangible results is disheartening and simply confounding. Obviously, something is deeply wrong at the International Criminal Court. With only one new accession during the reporting period, it is clear that the Court continues to enjoy the membership and support of only a small segment of countries in the world. We take note with very keen interest of the recent important developments within the membership and shall continue to actively monitor the unfolding events. Like no other member State, Kenya has actively and intimately interacted with the Court over the past few years and can unequivocally state that something radical and urgent must be done if the Court is to stand any chance of long-term survival as a viable and credible international institution.

A cursory reading of the annual report may lead one to believe that indeed some success is at hand. However, Kenya wishes to highlight a few pertinent issues, for we know and believe that the current application of the Rome Statute is counterproductive and conflicts with its founding ideals. When we, the Member States, established the International Criminal Court, we were convinced that we were setting up a court with higher standards of practices and procedures than those found in our national jurisdictions. However, today we find ourselves saddled with a Court that has lower thresholds and standards than those found in our national courts. That is simply unacceptable.

To illustrate that, paragraphs 49 and 50 of the report mention ongoing investigations into the situation in Kenya. The integrity of the investigations in the Kenyan cases has been called into question owing to the alarming but credible revelations that the witnesses were procured with promises of reward. The efficacy of that information, which is now more than eight years old and is still being received by the Court, is now even more suspect. Furthermore, the revelations of witness tampering that led 190 members of the Parliament of the Republic of Kenya to petition the President of the Security Council and the President of the Assembly of States Parties, seeking their intervention in resolving this, remains unanswered. Under the guise of judicial and prosecutorial independence, we have to date received no substantive response from the Court, the Office of the Prosecutor or the Assembly. The studious, calculated silence of some Member States is particularly troubling.

During the reporting period, 2,571 victims were admitted to participate in proceedings before the Court. It is Kenya's experience that the issue of admitting victims remains a likely avenue for abuse. We are concerned that adequate measures are not in place to ensure that only genuine victims, and indeed witnesses, are included in the proceedings and

availed the protections laid out in the Rome Statute. Notwithstanding the huge financial outlay and the pressure on an already overstretched budget, we remain concerned that any attempt to raise that matter continues to be met by stiff resistance, again, under the guise of protecting the independence of the Court and its organs.

Another matter of concern to Kenya is that, save for a casual mention in paragraph 83, the report fails to address the very pertinent issue of financing of Security Council referrals. Despite the heated and sometimes unpleasant discussions we hold in the General Assembly annually, Kenya's effort to have a genuine discussion on this pertinent matter continues to be met by dogged resistance on the part of some States parties and some non-States parties alike. Yet again, we find the Court unable to unshackle itself from the influence of a group of Member States, which continue to use their might, as major contributors to the budgets of international organizations, to block any discussions on the matter. If the Court is to make any meaningful impact, the General Assembly must take its rightful place and address this problem, notwithstanding any manipulation on the part of a country or group of countries.

The ICC was never intended to replace national courts and is a court of last resort. Therefore, greater emphasis should be accorded to supporting national and regional initiatives. In that regard, African States have tried to engage constructively with the International Criminal Court with little success. Despite all our individual and collective efforts to initiate and develop an enabling environment for constructive dialogue with the ICC, that has not happened. We therefore appreciate the cogent remarks of the representative of Japan, who said that "the ICC and its States parties should listen to the concerns expressed by the wider audience" (*A/71/PV.37, p.12*). The representative of New Zealand insisted that Africa's problems with the ICC "merit careful consideration" (*ibid, p.13*). Yes, indeed they do.

The attempts of members of the African Union's open-ended ministerial committee on the ICC to meet with the Security Council continue to be thwarted through an arcane, self-serving reading and interpretation of the Security Council's rules of procedure. On the sidelines of the General Assembly high-level week in September, a planned meeting failed to take place because of a mismatch in the levels of representation. It should be noted for the record that, before this meeting was called off, the Ministers for Foreign Affairs of five African countries were present at the appointed time and venue, in line with the established rules and practices of diplomatic engagement, and were ready to proceed, to no avail.

Chapter III, section B, of the report is entitled "Cooperation with and assistance from States, other international organizations and civil society". Once again, Kenya takes note of what is a glaring omission in paragraph 98, that is, the absence of any mention of the African Union. We are convinced that the African Union continues to be largely ignored by the ICC. One would think that, as the bulk of the work is centred in Africa, there would be a greater and more proactive effort on the part of the Court to increase its interaction and cooperation with the African Union and the African member States.

Given the obvious lack of interaction, we can only conclude that the ICC is not ready to engage constructively with African States. That unfortunate state of affairs must be discouraged. All well-meaning suggestions of remedial action have fallen on deaf ears. The representative of Tanzania made a very thoughtful and well-balanced presentation. He urged us to make deliberate efforts to talk to one another — I may add, not at one another. The representative of China urged us to respect the sovereign right of African States to make their own decisions.

In conclusion, this perfunctory report we have in front of us fails to tackle the real issues facing the ICC and fails to offer any insight on possible pragmatic solutions as we proceed. None of the organizational realities and challenges that the Court has faced in implementing its mandate are contained in this report. It curiously lacks deep analysis and a well-thought-out, balanced perspective. The continued silence of Member States as we fail to identify the real issues affecting the ICC and instead just gloss over them will undermine the legitimacy of the Court. Kenya's continued acceptance of the status quo would only undermine the legitimacy of the Court and its core mandate — the fight against impunity.

Mr. Yaremenko (Ukraine): The International Criminal Court (ICC) is the only permanent international court established to put an end to impunity for the perpetrators of the most serious crimes of international concern and thereby to contribute to the prevention of such crimes as well as to the progressive development of international criminal law.

We welcome the steady progress of the Court as it deals with more cases and situations than ever. We appreciate the ICC's examination of the situation in Ukraine in terms of crimes against humanity and war crimes, following our declarations under article 12, paragraph 3, of the Rome Statute, and we look forward to the outcome of its work. Ukraine also hails the Court's recent judgments on offences against the administration of justice and the war crime of attacking world heritage sites. It is important for the Court to be able to intervene in situations where violence is under way.

More specifically, the ICC must be able to fully exercise its deterring role, as Ukraine is affected by the hostile and aggressive actions of the Russian Federation, rendering thousands within the military and civilian population — including women and children — killed, wounded or gone missing, not to mention over a million internally displaced persons. In that regard, we cannot overestimate the importance of States' cooperation in combating serious crimes.

Ukraine actively participated in the Preparatory Committee on the Establishment of an International Criminal Court, signed the Rome Statute and was the first non-State party to ratify the Agreement on the Privileges and Immunities of the ICC. However, the Rome Statute provisions on the complementarity of the Court were in contradiction to Ukraine's Constitution. Today we are pleased to announce that the Ukrainian parliament has recently adopted a constitutional amendment, paving the way for Ukraine to ratify the Rome Statute. We are currently drafting the enabling legislation.

In that connection, we are particularly concerned over the recent withdrawal of a number of African countries from the Rome Statute. We echo the sentiment of the President of the Assembly of States Parties, Mr. Sidiki Kaba, when he said that the international community must remain united to face the enormous challenge of preventing the commission of the most serious crimes and prosecuting the alleged perpetrators — whoever and wherever they are — to ensure peace, stability and security in the world. The international community must consolidate its support for ICC efforts to ensure universal justice for all victims of mass crimes.

In that context, it is of paramount importance that 32 States parties have already ratified the amendments to the Rome Statute of the International Criminal Court on the crime of aggression. We look forward to a decision by the Assembly of States Parties to activate the Court's jurisdiction over such crimes in the very near future. However, we regret the restricted scope of the ICC's authority inasmuch as it would have no jurisdiction over non-States parties or States parties that do not ratify the amendment unless the case is referred by the Security Council.

Still, we put our trust in the Court, which has already established itself as an efficient universal mechanism to promote the rule of law and to ensure that the gravest international crimes do not go unpunished. By failing to bring those responsible for the worst crimes to justice, we incite violence in the rest of the world. All those who intend to commit the gravest international crimes must be sure that punishment is inevitable regardless of their position or nationality.

Mr. Shingiro (Burundi) (*spoke in French*): I would like to begin my statement by thanking the President of the International Criminal Court (ICC), Judge Silvia Fernández de Gurmendi, for her thorough presentation of the annual report of the ICC (A/71/342), submitted this morning for our review.

My delegation has taken note of and reviewed the Court's annual report on its work during the 2015-2016 reporting period, which was introduced this morning before the General Assembly, pursuant to article 6 of the Relationship Agreement between the United Nations and the International Criminal Court and paragraph 28 of resolution 70/264. Before entering into detailed remarks, my delegation wishes to reiterate Burundi's commitment to the principle shared by many — to fight against impunity in all of its forms and manifestations. Burundi also supports the principle that impartial and equitable justice contributes greatly to the consolidation of peace and reconciliation within communities emerging from conflict. Moreover, we are firmly committed to the principles of non-selectivity, objectivity and non-politicization of international justice. In Burundi's view, international justice as a complement to national jurisdiction is a noble principle and one that must not be subjected to political calculations.

Since the adoption of the Rome Statute, which established the International Criminal Court in 1998, and its entry into force on 1 July 2002, following its ratification by 60 States, the Court has seen its share

of highs and lows in carrying out its functions and in dispensing justice on behalf of the victims of all types of crimes. Despite its efforts in providing justice for victims, we nevertheless deplore the occurrence from time to time and in various places of violations of the sacred principles that underpin the legal basis of the countries concerned and of the Charter of the United Nations.

I begin with the principle of complementarity of international justice, which is considered, as we know, the backbone of the Rome Statute of the International Criminal Court. The Rome Statute, to which 124 States subscribe, was never intended to replace the national jurisdiction of the States parties. Once again, we emphasize the importance of the principle of complementarity, according to which the ICC can be seized of a matter only if the State concerned has neither the will nor the ability to prosecute those guilty of the most serious crimes committed on its territory.

It is not redundant here to recall that complementarity is at the core of the Rome Statute because the fight against impunity depends on efforts to build and strengthen the national capacities required to carry out investigations and conduct trials in cases of the most serious crimes. We therefore hope that the ICC will finally recognize the jurisdiction of the States' courts and tribunals to try crimes committed on their national territories. Moreover, we note — in what is an unfortunate observation — that the principle of the primacy of national jurisdiction, enshrined in the Rome Statute, is not being applied as it should be in certain situations referred to the Court.

In that regard, it is not surprising to see that the impartiality and objectivity of the Court is being called into question by a growing number of States. Public opinion in Africa has begun to see the Court as the juridical realm of certain so-called powerful countries. We believe that African countries should reconsider their accessions to the Rome Statute because the International Criminal Court has recently become a biased instrument at the service of a category of countries, a tool with which to exercise political pressure and, in some cases, to effect regime change in developing countries, in general, and African countries, in particular.

Furthermore, my delegation recalls that the selectivity, the lack of objectivity and the tendency towards politicization which the Court has shown in its targeting of only African States and Heads of State, led to the convening of an extraordinary session of the Assembly of the African Union on 12 October 2013. It is clear that the ICC is focusing all of its attention on Africa, while unacceptable situations in other parts of the world go unacknowledged.

We are concerned by the fact that the ICC budget is more than 50 per cent dependent on the voluntary contributions of Member States. This lack of a proper budget seriously calls the Court's independence into question, and it sometime finds itself overwhelmed by political pressure exerted by those most responsible for its financial straits.

The substance of my comments, which are by no means exhaustive, has recently compelled Burundi to withdraw from the list of States parties to the Rome Statute of the International Criminal Court at the explicit request of the people of Burundi through a joint session of the two Houses of their Parliament. The notification letter was officially transmitted on 7 October to the Secretary-General, in accordance with the procedure provided for in the Statute. We have duly noted the requests of delegations addressed to States that have recently withdrawn from the International Criminal Court, or are in the process of doing so, to reconsider their positions. Let me recall, however, that accession to an international treaty is an act that falls exclusively within the realm of national sovereignty. Similarly, withdrawal from a treaty to which a State is party is a sovereign decision and should not elicit the amount of commentary from other Member States that it has.

In conclusion, my delegation reiterates its firm commitment to the fight against impunity in all its forms and manifestations. My country, Burundi, sincerely believes in the primacy of national jurisdiction and the objectivity, non-selectivity and non-politicization of international justice. Until those principles are strictly observed, the International Criminal Court will have difficulty convincing all the States parties of its impartiality, as enshrined in the Statute. In the interests of its survival and of international justice, the Court should acknowledge its shortcomings and agree to a comprehensive reform, to meet the legitimate concerns of various developing countries with regard to its functioning and its current policy of double standards, which has affected several African leaders. In the absence of such a structural reform, which we all desire, those injured States parties will have no

choice other than to call for the establishment of a truly independent, impartial and equitable international criminal jurisdiction, capable of resisting political pressures from the so-called powerful countries and of exercising its jurisdiction in any country, regardless of the latter's size, geographical location or level of development.

Mr. Medina (Bolivarian Republic of Venezuela) (*spoke in Spanish*): My delegation thanks the President of the International Criminal Court, Silvia Fernández de Gurmendi, for introducing the annual report of the Court (A/71/342) to the General Assembly, in accordance with article 6 of the Relationship Agreement between the United Nations and the International Criminal Court, on the work performed by the Court in fighting impunity and promoting justice for the victims of crimes, in accordance with the Rome Statute.

As a State party to the International Criminal Court since its establishment in 2002, the Bolivarian Republic of Venezuela champions and supports the strengthening of its institutional standing and effectiveness in carrying out its functions, thereby promoting its universalization in order to strengthen the rule of law at the national and international levels. In that regard, cooperation is an essential aspect in achieving the objectives of the Court.

Venezuela supports the efforts of the International Criminal Court to ensure that justice and accountability are respected and that the Court can promote the establishment of a comprehensive and effective justice system in accordance with the principles of autonomy, independence, impartiality and objectivity enshrined in the Rome Statute.

Mr. Musikhin (Russian Federation) (*spoke in Russian*): During the Assembly's debate on resolution 58/318 on cooperation between the United Nations and the International Criminal Court (ICC), the Russian delegation laid out a detailed account of our understanding of the problems within and around the Court, which have unfortunately been increasingly compounded in recent years. Without going into it again, we will note only that the statements of a number of States about their withdrawal from the Rome Statute have affirmed the validity of our opinions about the Court. We urge the Court to look at the situation objectively. It is time to move on from the romantic views that prevailed when the Statute was being framed and to be realistic.

The decision on whether to participate in international treaties is a State's sovereign right, and there is therefore no point in trying to put pressure on countries that withdraw from the ICC. The political and legal reasons they give are understandable and should be respected, and we are not hearing about them for the first time. However, all of these States' attempts to have their voices heard, and all their proposals for modifications of the Court's practices, including those pertaining to customary laws concerning immunity for senior officials, have been ignored. And yet for a long time there has been good reason to look critically at the work of the Court and analyse its shortcomings.

The statements made by the representatives of Georgia and Ukraine are glaring examples of attempts to exploit the International Criminal Court for political and propaganda purposes. We have already commented often on the merits of such attacks. With regard to the Court's ongoing preliminary investigation of the situation in Ukraine, we would like to draw attention to the shocking brutality of the crimes committed by the Kyiv authorities and the radicals loyal to them. I should point out that the source of that information is the latest report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the human rights situation in Ukraine.

To give examples, the report cites horrifying cases of sexual and gender-based violence against both women and men by Ukrainian armed forces and law enforcement. I cannot bring myself to repeat in the General Assembly the descriptions of the atrocities documented in the report. Ramrods, electric shocks and hot plastic are used as instruments of torture. Besides the sexual and gender-based violence, the report describes beatings — in one case, a woman was beaten about the head with a metal pipe — and threats of murder and rape, including of minors. In another instance, a man was arrested in a Government-controlled area in the Donetsk region. He was taken a shooting range in the basement of the Security Service of Ukraine (SBU) building in Mariupol, where he was beaten, suffocated with a plastic bag, submerged in cold water and had his ribs broken by a man who jumped on his torso. Four additional verified cases from 2015 corroborate the use of the Mariupol SBU building for incommunicado detention and torture. Those are just some examples of a series of crimes committed by the Ukrainian armed forces and law-enforcement authorities and cited in the report. In general, the report notes that about 70 per

cent of the cases recorded by OHCHR involved torture, ill-treatment or incommunicado detention before the detainees were transferred to the Ukrainian criminal justice system.

At the same time, paragraph 64 of the report says that OHCHR is "concerned by the lack of progress in investigations into the conduct of Ukrainian armed forces and SBU". One example noted is the absence of any investigation into the 2 June 2014 aerial attack on the Luhansk Regional State Administration building, which resulted in the deaths of seven civilians. As the report notes, with regard to cases related to the bloody events of 2 May 2014 in Odessa, significant pressure continues to be put on the judiciary. I want to emphasize that all of this information comes not from the Russian media but from data collected by the Office of the High Commissioner for Human Rights, which operates in Ukraine on the invitation of the Government. Despite all the shortcomings in OHCHR implementation of its mission, which we have repeatedly drawn attention to, even it could not ignore these kinds of facts. We shall see how the ICC responds to them and much similar information.

We would like to encourage delegations to think about this information and take it into account, including when considering their positions on the draft resolution on human rights in Crimea submitted by Ukraine in the Third Committee. Against the backdrop of lawlessness instituted by the Kyiv authorities in their own country, that draft resolution looks particularly hypocritical, and support for it will strengthen their belief in their impunity and encourage them to continue to commit crimes against their citizens and to direct hate speech at Russia and all things Russian.

The Acting President (*spoke in French*): We have heard the last speaker in the debate on this item.

Several representatives have asked to speak in exercise of the right of reply. I would like to remind members that statements in exercise of the right of reply are limited to 10 minutes for the first statement and to five minutes for the second, and should be made by delegations from their seats.

Mr. Yaremenko (Ukraine): I would like to exercise my right of reply with regard to the statement just made by the representative of the Russian Federation. I would first like to emphasize all of my Government's commitments on human rights. We take all cases of violations of human rights of any kind very seriously, including those alleged to be by our armed forces. I can assure the Assembly that we investigate such cases scrupulously and with the intention of bringing all the perpetrators to justice.

Secondly, I would like to remind the Assembly that the root cause of the situation in Ukraine is the Russian Federation's aggression against my country. Two and a half years ago, the Russian Federation occupied the Autonomous Republic of Crimea and the city of Sevastopol. Since then, it has committed crimes and acts of aggression against my country in various parts of the Donbas region. My country invited the Office of the United Nations High Commissioner for Human Rights to come to Ukraine. We have provided every assistance to its Monitoring Mission there and have been entirely open and transparent where its work is concerned. However, in contravention of the Mission's mandate, it has had no access to the temporarily occupied part of Ukraine — that is, the Autonomous Republic of Crimea. We therefore ask our colleagues from other delegations to support our draft resolution, which will be introduced in the Third Committee today. Its main focus is on access and reporting. That is it.

I would once again like to emphasize that the Russian Federation is responsible for the aggression against my country, and that is the root cause of the situation in Ukraine.

Mr. Alarsan (Syrian Arab Republic) (*spoke in Arabic*): A number of statements delivered to present the positions of countries on the report of the International Criminal Court have addressed to the situation in my country. They demanded, in a surprising manner, that international justice be brought to Syria and that the Syrian issue be referred to the International Criminal Court. Regrettably, most of statements in which such a demand has been made have been selective and politicized. They spoke in conformity with the positions of the countries that delivered them with regard to the ignominious terrorist war being waged against my country Syria.

We would have liked to have heard the voices of those delegations in other international forums and platforms of the United Nations calling for the fight against terrorism in my country, Syria, before coming to this meeting to demand that so-called international justice be brought to my country. Some statements today have ignored the fact that many States criticize the fact that the Court's mandate is limited to certain

States and not others, and to certain cases, and not others.

These statements even ignore the reasons that pushed some States to withdraw from the Court, including the shortcomings in the Court's work, its weak performance and its weak mandate as a result of the politicization of its works, and because it has become, like many international bodies and organizations, a tool in the hands of some super-Powers that use the United Nations and its agencies, bodies and other international entities to serve their own political plans.

If that is not so, who in this Assembly can convince us that there are States that signed the Rome Statute with the right hand, and with the left an agreement to grant immunity to soldiers of certain countries or a certain country from the mandate of the International Criminal Court? Everyone knows to whom we are referring when we talk about bilateral conventions signed by some States parties to a specific treaty in order to grant immunity to that State's soldiers from the mandate of the Rome Statutes.

I am not here to defend a particular position, but the responsible attitudes of the Russian Federation, China and other States in the Security Council have ensured that Syria has not as yet ended up facing the same bleak fate of countries like Yemen and Iraq. Who can convince us that some whose brave voices we heard today in this Assembly talking about alleged war crimes in Syria, but whose voices fall silent when the so-called international coalition forces in Syria commit crimes that are actually war crimes against the Syrian Arab Army fighting Da'esh terrorism and against Syrian civilians who are bombarded and killed by warplanes of the international coalition — or what is wrongly called an international coalition against terrorism?

Ms. Agladze (Georgia): For the record, I would like to state one more time that we have heard an account from the Russian Federation that is once again designed to mislead the international community about its ongoing aggression against sovereign neighbouring States, while Georgia, in sharp contrast, referred in its statement only to citations and conclusions from the Pre-Trial Chamber decision of 27 January. As we said, we would like to reiterate that we are committed to cooperating with the Court in order to uncover the truth and bring justice to the victims.

The Acting President (*spoke in French*): The Assembly has thus concluded this stage of its consideration of agenda item 72.

The meeting rose at 5.25 p.m.